

LAWS AND RULES REVIEW COMMITTEE
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Section 92-7(b), Hawaii Revised Statutes.

Date: Wednesday, October 11, 2000

Time: 9:00 a.m.

Place: Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Present: Alfredo Evangelista, Chair
Iris Okawa, Vice Chair
Charles Aki, Member
Michael Ching, Member
Patricia Choi, Member
John Ohama, Member

Calvin Kimura, Supervising Executive Officer
Pamela Garrison, Senior Real Estate Specialist
Naomi Cole, Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Lorene Arata, Condominium Specialist
Gina Watumull, Condominium Specialist
Shari Wong, Deputy Attorney General (Late Arrival)
Irene Kotaka, Secretary

Brian Thomas

Excused: Casey Choi, Member
Mitchell Imanaka, Member
Peter Rice, Member

Call to Order: The Chair called the meeting to order at 9:05 a.m., at which time quorum was established.

Chair's Report: The Chair announced that Real Estate Specialist Cole was leaving the Commission staff to become an attorney for the Cable Television Division within DCCA. Commissioner Ching recognized Ms. Cole's talents and expressed appreciation for the work that she has done for the Commission..

SEO's Report: **Announcements, Introduction, Correspondence and Additional Distribution**
Additions to the Agenda

Upon a motion by Commissioner Aki, seconded by Commissioner Okawa, it was voted on and unanimously carried to add the following items to the agenda:

4. Program of Work, FY01
 - d. Licensing, Registration and Certification Administration
 - 1) 1999-2000 Continuing Education Providers and Courses Ratification List
 - 2) Provider – Brian R. Thomas dba EdVenture (Administrator: Brian R. Thomas)
 - 3) Course – “Reading TMK Maps,” Author/Owner: Leslie W. Brown and Brian R. Thomas, Brokerage, Course Clock Hours: 3)
 - 4) Course – “Coping with AOAOs and Associations,” Author/Owner: Abraham Lee (Provider: Abe Lee Seminars), Course Category: Dispute Resolution
 - 5) AOAO Registrations (September 2000)
 - 6) Developer’s Public Reports – September 2000

Minutes of Previous Meetings

Upon a motion by Commissioner Aki, seconded by Commissioner Choi, it was voted on and unanimously carried to accept the minutes of the September 13, 2000 Laws and Rules Review Committee meeting.

Program of Work, FY01:

Rule Making, Chapter 99, HAR, Real Estate Brokers and Salespersons and SWAT

The Attorney General’s Office and the Legislative Reference Bureau have completed their initial review of the SWAT proposal. After REB staff completes the recommended amendments and PVLD approves the Governor’s memo, the proposal will be forwarded to the Governor’s Office.

Commissioner Ohama asked staff when the anticipated rule adoption date would be. He was informed that it was the Department’s goal to get a public hearing before the end of the year and that the rules be approved some time next year. If there are no changes made as a result of the public hearing, the rules may be approved as early as within 30 days after the public hearing.

Chair’s Report:

The Commission presented Real Estate Specialist Cole with a lei and their best wishes.

Program of Work, FY01:

Licensing, Registration, and Certification Administration

1999 – 2000 Continuing Education Providers and Courses Ratification List

Upon a motion by Commissioner Ching, seconded by Commissioner Ohama, it was voted on and unanimously carried to recommend approval of the following:

Registration/Certification Providers

Waikiki Realty Real Estate School
(Administrator: George K. Yamashiro)

Effective Date

September 25, 2000

Provider – Brian R. Thomas dba EdVenture, (Administrator: Brian R. Thomas)

Upon a motion by Commissioner Okawa, seconded by Commissioner P. Choi, it was voted on and unanimously carried to recommend approval subject to receipt of the surety bond.

Course – “Reading TMK Maps,” Author/Owner: Leslie W. Brown and Brian R. Thomas, (Provider: Brian R. Thomas dba EdVenture), Course Category: Other: General Brokerage, Course Clock Hours: 3

Mr. Thomas stated that Les Brown is also a co-owner and developer of the course. Mr. Thomas stated that Mr. Brown had worked for the tax office for a number of years. As a result, he knows a lot of the things that are stated on the TMK maps, such as easements, dropped parcels and other information that can be conveyed to their clients. The TMK maps have been used to show where sewers are. The class will also discuss flood maps, geodesic maps, rainfall and sunshine maps.

Commissioner Ching asked if the class were taught on Kauai, the information provided would relate only to the island of Kauai. Mr. Thomas reported that the class would not be taught until they have had an opportunity to study and research the island in which the course is to be taught.

Mr. Thomas also stated that on the island of Hawaii, there are many private roads. The private roads are also noted on the maps. If the name of the road appears on the map, it is a government road.

Upon a motion by Commissioner Ching, seconded by Commissioner Ohama, it was voted on and unanimously carried to recommend approval of the course, “Reading TMK Maps.”

Course – “Coping With AOAOs and Associations,” Author/Owner: Abraham Lee, (Provider: Abe Lee Seminars), Course Category: Dispute Resolution Seminars

Commissioner Okawa stated that she lives in a condo and thinks that this is an important issue as disputes arise because people do not understand the underlying concerns of living in a condo.

Commissioner Ching stated that he deals with homeowner associations on the island of Kauai and it is a big issue on the island of Kauai. He felt that this would be a good thing for the licensees on the island of Kauai to understand.

The Chair stated that he was concerned with the course category, as the dispute resolution section of the course was only 30 minutes in length. He suggested that it be approved under the “Other” course category.

Upon a motion by Commissioner Okawa, seconded by Commissioner Ching, it was voted on and unanimously carried to recommend approval of the course, “Coping With AOAOs and Associations.”

AOAO Registrations

Upon a motion by Commissioner Ohama, seconded by Commissioner P. Choi, it was voted on and unanimously carried to recommend approval to ratify issuance of effective registration dates for Associations of Apartment Owners through September 30, 2000 for the 1999 – 2001 Registrations. The associations are as follows:

<u>Project Name</u>	<u>Registration Date</u>
HALE AWAPUHI	09/11/2000
MAKENA PLACE	09/05/2000
No. of projects: 2	

Developer's Public Reports – September 2000

Upon a motion by Commissioner Ching, seconded by Commissioner Ohama, it was voted on and unanimously carried to recommend approval to ratify issuance of effective dates for public reports for the month of September 2000 as follows:

Proj No	Project Name	Project Address	TMK #	Report	Date
4483	1934 KUAPAPA PLACE CONDO	1934 KUAPAPA PL HONOLULU HI 96819	(1)1-04-013:086	Final	09/26/00
4276	21 WEST WAIKALUA	LOT 21 KUHIO HWY KILAUEA HI	(4)5-01-005:003	Suppl 1	09/06/00
4277	23 WEST WAIKALUA	LOT 23 KUHIO HWY KILAUEA HI	(4)5-01-005:003	Suppl 1	09/06/00
4278	24 WEST WAIKALUA	LOT 24 KUHIO HWY KILAUEA HI	(4)5-01-005:003	Suppl 1	09/06/00
4433	26 WEST WAIKALUA	LOT 26 KUHIO HWY KILAUEA HI	(4)5-01-005:003	Suppl 1	09/06/00
4280	27 WEST WAIKALUA	LOT 27 KUHIO HWY KILAUEA HI	(4)5-01-005:003	Suppl 1	09/06/00
4281	28 WEST WAIKALUA	LOT 28 KUHIO HWY KILAUEA HI	(4)5-01-005:003	Suppl 1	09/06/00
4282	29 WEST WAIKALUA	LOT 29 KUHIO HWY KILAUEA HI	(4)5-01-005:003	Suppl 1	09/06/00
4283	30 WEST WAIKALUA	LOT 30 KUHIO HWY KILAUEA HI	(4)5-01-005:003	Suppl 1	09/06/00
4284	31 WEST WAIKALUA	LOT 31 KUHIO HWY KILAUEA HI	(4)5-01-005:003	Suppl 1	09/06/00
4494	98-576 KAIMU LOOP	98-576 & 98-576A KAIMU LP AIEA HI 96701	(1)9-08-030:026	Final	09/25/00
4456	AVALON PHASE 2	91-1026 & 91-1028 HULIAU EWA BEACH HI 96076	(1)9-01-102:047	Final	09/18/00
4477	AVALON PHASE 4	91-1022 LAULAUNA ST EWA BEACH HI 96706	(1)9-01-102:016	Prelim	09/01/00
4488	AVALON, PHASE 5	94-1029 LAULAUNA ST, ETAL EWA BEACH HI 96706	(1)9-01-102:016	Prelim	09/06/00
4487	CORTEBELLA, PHASE 2	91-1329 KEAUNUI DR EWA BEACH HI 96706	(1)9-01-010:048	Prelim	09/08/00
4324	HONOULIULI GARDENS	91-2056&91-2106 FT WEAVER EWA BEACH HI 96706	(1)9-01-021:001	Prelim	09/14/00
4484	KALEI	WAILUA HOMESTEAD 5-A-1-A WAILUA HI	(4)4-02-002:026	Final	09/25/00

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4485	KOHALA PLANTATION	LOT 19-A KOHALA HI	(3)5-05-001:008	Final	09/19/00
4489	LOMBARD WAY PHASE E	91-1043C HO'OMAKA ST EWA BEACH HI 96706	(1)9-01-102:050	Final	09/13/00
4474	MAERTENS	POR LOT 121 PUUKAPU HMSTD S KOHALA HI	(3)6-04-030:010	Final	09/14/00
4437	MIYASHIRO ACRES	6585 WAIPOULI RD KAPAA HI 96746	(4)4-04-003:027	Final	09/08/00
4475	OLU MAUNA	1750 HULU RD KAPAA HI 96746	(4)4-06-004:035	Final	09/22/00
4476	PU'U MAHANA	LOT H-23 KAAWALOA S KONA HI	()--	Final	09/08/00
4480	TERRAZZA PHASE 3	91-162 MAKALE'A CIRCLE EWA BEACH HI 96706	(1)9-01-010:048	Prelim	09/07/00
4491	TERRAZZA PHASE 4	91-133 MAKALE'A CIRCLE EWA BEACH HI 96706	(1)9-01-010:048	Prelim	09/19/00

Preliminary Reports: 6
Contingent Final Reports: 0
Final Reports: 10
Supplementary Reports: 9

Total: 25

Licensing Renewal – November 30, 2000 Filing Deadline

Information on the licensing renewal process and instructions for submitting batch renewals were distributed to the Commissioners for their information.

Renewal applications will be mailed out on Friday, October 13, 2000. The filing deadline for on-time renewal is November 30, 2000. CE course completion information will continue to be downloaded to the Licensing Branch.

Commissioners Education Program

An article entitled, "Role of a Person on the Governing Body of a Regulatory Entity", which appeared in CLEAR's Resource Briefs 99-4, was distributed to the Commissioners for their information.

ARELLO, Other Organizations and Jurisdictions:

North Carolina Real Estate Commission Internet License Renewal

Information on the North Carolina Real Estate Commission's online renewal procedures was distributed to the Commissioners for their information.

It is hoped that Hawaii real estate licensees will be able to renew their licenses on-line at the end of the next biennium, procedures for accepting charge card fee payments.

The Business Registration Division is now accepting charge cards for their fees.

Open Forum:

Mr. Thomas asked if a licensee would receive an inactive license if renewal application was submitted but the licensee has not completed their CE requirements. He was informed that if a licensee took the course in early December, submitted a complete renewal application, and CE course completion

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information was provided to the Commission in a timely manner, it is possible that the licensee will receive their pocket card by December 31, 2000.

Next Meeting: Wednesday, November 15, 2000
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Adjournment: With nothing further to discuss, the meeting was adjourned at 9:32 a.m.

Reviewed and approved by:

/s/ Calvin Kimura
Calvin Kimura
Supervising Executive Officer

November 15, 2000
Date

[X] Approved as is.

[] Approved with amendments. See minutes of _____ meeting.